

REMARKS/ARGUMENTS

The subject matter of claim 2 has been incorporated in claim 1.

The rejection of the claims under 35 U.S.C. 102(b) as being anticipated by Plasser (EP 429713 B1), placed of record by applicants as constituting prior art, is respectfully traversed.

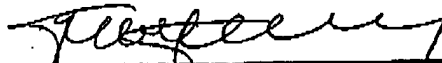
As has been pointed out in the paragraph bridging pages 1 and 2 of the specification, the reference's sensor device is mounted at the front end of the loading container while, according to claim 1, applicants mount sensor device 20, 21 at the rear end. The advantages of this different arrangement have been summarized in the paragraph bridging pages 2 and 3 of the specification. Furthermore, claim 1 has now been limited to recite control 23, which enables the speed of bottom conveyor band 6 to be controlled in response to the height h of bulk material pile 18 at the location of the sensor device so that an optimal filling of the storage car is automatically assured. Such a conveyor band speed control is not envisaged by the reference with a storage car in which sensor is mounted at the rear end in the conveying direction. In the reference, storage car 2 is filled until sensor 10 at the front of the car

signals a maximally acceptable height of the bulk material pile, at which point the signal of the sensor activates control device 15 which actuates drives 11, 12 of bottom and transfer conveyor bands 6, 9 of the succeeding storage car to slow down for filling the succeeding storage car. In contrast to this, sensor 20 of applicants' storage car signals the maximally acceptable height of the bulk material pile at the rear of the car, i.e. at the point where the bulk material is delivered into the car, at which point the sensor will transmit a control signal to control 23 which controls the speed of bottom conveyor band 6 in that car so that the bulk material will be moved forwardly to make room for a succeeding amount of bulk material delivered by transfer conveyor band 10 of the succeeding car (see the paragraph bridging pages 7 and 8 of the specification). Accordingly, claims 1 and 3 are not anticipated by the reference.

The subject matter of dependent claims 4-6 is respectfully submitted to be patentable on its own merit. Claims 7 and 8 depend on claim 1 and are believed to be allowable therewith.

A sincere effort having been made to overcome all grounds of rejection, favorable reconsideration and allowance of claims 1 and 3-8 are respectfully solicited.

Respectfully submitted,
JOSEF THEURER ET AL



Kurt Kelman, Reg. No. 18,628
Allison C. Collard, Reg. No. 22,532
Edward R. Freedman, Reg. No. 26,048
Attorneys for Applicants

COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576
(516) 365-9802

I hereby certify that this correspondence is being sent by telefax to the US PTO, Fax No.:
703 872-9326 on August 31, 2004.


Ingrid Mittendorf

R:\USERS\imittendorf\KELMAN\THEURER-WORG. 32 - AMEND AUG. 04.wpd